

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

ESVIN GOMEZ.,

Plaintiff,

Case No. 1:19-cv-01121-CMH-TCB

v.

SEOUL GOOL DAE GEE INC,

Defendant.

**DECLARATION OF J. THOMAS SPIGGLE IN SUPPORT OF MATTHEW B. KAPLAN
FEE REQUEST**

I, J. Thomas Spiggle, am over the age of 18 and am competent to testify about the matters herein.

1. I make this Declaration in support of a fee request in the above-captioned matter by attorney Matthew B. Kaplan.

My Qualifications

2. I graduated Georgetown University Law Center with honors in 2001. Thereafter I joined the law firm of Tharrington Smith LLP in Raleigh, NC, as an associate. There I represented boards of education in state and federal courts across North Carolina in all matters of litigation, including employment matters. In 2003, I moved back to the District of Columbia to take a clerkship with the Honorable James E. Boasberg, who was then serving on a civil calendar in the Superior Court of the District of Columbia. (In April 2011, Judge Boasberg was appointed to the United States District Court for the District of Columbia.) In 2004, I joined the law firm of Janis, Schuelke & Wechsler in the District of Columbia. There I worked as an associate in the area of white collar criminal defense and related civil litigation. I also handled employment matters in the District of Columbia district and federal courts. In 2007, I joined the United States Attorney's Office for the District of Columbia as an Assistant United States Attorney, criminal division. As an Assistant United States Attorney, I tried over 20 cases first chair and argued appellate matters before the District of Columbia Court of Appeals.

3. In 2009, I left the United States Attorney's Office on good terms and opened The Spiggle Law Firm, PLLC in Arlington, Virginia.

4. The Spiggle Law Firm is one of the largest firms in Virginia devoted exclusively to helping employees win workplace disputes and fight wrongful termination. Since creating the firm I have litigated extensively and successfully in the U.S. District Court for the Eastern District of Virginia.

5. I am a member of the Bar of this court and of the Virginia State Bar.

Reasonableness of Counsel's Requested Rates

6. I have been asked to opine on the reasonableness of the hourly rates proposed by plaintiffs' counsel in the above-captioned case. I have known Matthew B. Kaplan since early 2014 and am familiar with his experience as an attorney and, in general terms, with his work as an attorney. I have not participated in this case in any way (except for providing this Declaration).

7. Because most of my litigation work is done under the civil rights laws, many of which permit fee-shifting, I try to keep abreast of current hourly rates billed by other civil rights attorneys in the Eastern District of Virginia and fee rates that have been approved by district courts in the Eastern District of Virginia in such cases.

8. Craig Reilly, a local defense attorney, has compiled a matrix of fees charged in recent years within the local bar. His matrix is consistent with my understanding of local rates for complex federal litigation, of which civil rights and employment claims, with their discovery demands and their unusually extensive and potent affirmative defenses, decidedly are for plaintiffs' counsel. Mr. Reilly's matrix has been cited with approval by Judge Lee in *Vienna Metro LLC v. Pulte Home Corp.*, no. 1:10-cv-00502-GBL-TCB (E.D. Va. Aug. 24, 2011), by Judge Buchanan in *MiTile, Ltd. v. Hasbro, Inc.*, No. 1:13cv451, 2013 U.S. Dist. LEXIS 143926, at *3 (E.D. Va. Oct. 3, 2013), and by Judge Lee again in *Tech Systems. v. Pyles*, No. 1:12-CV-374 (GBL/JFA), 2013 U.S. Dist. LEXIS 110636, at *19 n.4 (E.D. Va. Aug. 6, 2013).

9. Mr. Kaplan seeks fees at the rate of \$495/hour. Mr. Kaplan has approximately sixteen years of experience as an attorney and much of his career has been focused on litigating complex cases in the federal courts.

10. Under the *Vienna Metro* Matrix Mr. Kaplan would be entitled to a rate of \$520-675 per hour.

11. I understand that Mr. Kaplan has a significant record of accomplishment at his previous employers, White & Case, LLP and Cohen, Millstein, Sellers & Toll, PLLC, which is one of the nation's premier class action firms and which does extensive employment litigation. When he left Cohen Milstein in 2012 his hourly rate at that firm was \$495 per hour.

12. Given the extent and nature of Mr. Kaplan's legal experience, my knowledge of his work as an attorney, and my knowledge of the rates charged by other attorneys performing similar work in the Eastern District of Virginia I believe that Mr. Kaplan's proposed rate is appropriate and reasonable.

13. I understand that Mr. Kaplan is seeking a rate of \$135 per hour for a paralegal who worked for his firm on this matter. In my view that rate is reasonable.

14. I am not being compensated for providing this Declaration.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: October 26, 2019



J. Thomas Spiggle